

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:10-CV-600-BO  
NO. 5:07-CR-20-BO

EDWARD MILLER BRANTLEY


v.

UNITED STATES OF AMERICA

ORDER

This matter is before the Court on the Government's Motion to Dismiss [DE 36] Petitioner's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 [DE 31 & 34]. Because petitioner asserts challenges to his conviction based on the recent decision of *United States v. Simmons*, 649 F.3d 237 (4<sup>th</sup> Cir. 2011) (en banc), pursuant to Standing Order No.11-SO-3 (E.D.N.C. Oct. 18, 2011), the Office of the Federal Public Defender is appointed to represent petitioner in connection with these proceedings. The Clerk is DIRECTED to serve the Office of the Federal Public Defender with a copy of this order. Counsel for Petitioner shall file a supplemental brief with regard to the issues raised by *Simmons* on or before Jan. 30<sup>TH</sup>, 2012.

SO ORDERED this 27 day of December, 2011.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE